IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5555 OF 2007

Deepak Madhavrao Shevade ..... ....Petitioner.
V/s
Haridarshan Coop. Hsg. Soc. Ltd. & Ors..... ....Respondents.

Mr.Ajay S. Gadkari, Adv. For the petitioner.

Mr.V.K.Pradhan, Adv. For the respondent No.1.

**CORAM: A.P.DESHPANDE, J.**
2/8/07

PC:

The present petitioner is in occupation of flat whereas the respondent-society has filed a dispute claiming sum of about Rs.1,35,000/- towards the petitioner's contribution to the outgoings till 30.9.03. The dispute is filed sometime in January, 2004 and the trial Court has passed an order to proceed without written statement on account of failure on the part of petitioner to file written statement. At later point of time an application was made seeking permission to permit the production of written statement and its acceptance by the Court so as to enable the petitioner to contest the dispute. The application was rejected and aggrieved thereby the petitioner filed an appeal before the Cooperative Appellate Court. The Cooperative Appellate Court permitted consideration of written statement tendered by the petitioner by setting

aside the order passed by the Cooperative Court. While allowing the appeal the Cooperative Appellate Court has directed the petitioner to deposit a sum of Rs.1,50,000/- besides payment of costs of Rs.2000/-. Petitioner challenges that part of order which directs the petitioner to deposit Rs.1,50,000/- in the Court. Perused the order. The impugned order is balanced one which on one hand permitted filing and consideration of written statement of the present petitioner whereas on the other hand he has tried to secure the amount of outgoings claimed by the respondent-society. The order does not call for interference. Hence writ petition is summarily dismissed. It is made clear that all contentions raised by the petitioner in his written statement are left open to be decided by the Cooperative Court in accordance with law.

2.8.07